

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANTOINE GOMIS,

NO. C 05-02335 JW

Petitioner(s),

ORDER OF DISMISSAL

v.

ATTORNEY GENERAL ALBERTO
GONZALES,

Respondent(s).

On June 9, 2005, Petitioner filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On that same day the Court sent a notification to Petitioner that he had neither paid the filing fee nor submitted a completed application for leave to proceed in forma pauperis. The Court provided a copy of the correct form for application to proceed in forma pauperis. The Court also provided a return envelope, instructions, and a notification that the case would be dismissed if Petitioner failed to pay the fee or file the completed application within thirty days.

On July 18, 2005, Petitioner notified the Court that the United States Immigration and Naturalization Service (“INS”) /United States Immigration and Customs Enforcement (“ICE”) had custody of some of Petitioner’s money, and “authorize[d]” INS/ICE to pay the filing fee.

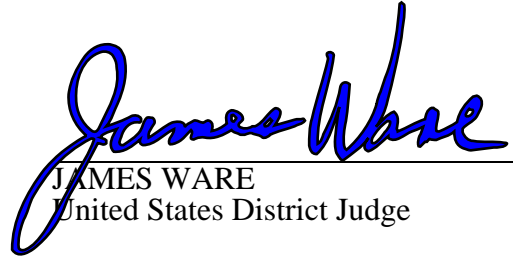
The Court gave Petitioner two choices: to pay the filing fee within thirty days, or to complete and return an application to proceed in forma pauperis within thirty days. Petitioner did not comply

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1 with the Court's instructions. Accordingly, this case is DISMISSED without prejudice for failure to
2 pay the filing fee.

3 The clerk shall close the file.

4
5 Dated: April 24__, 2006


JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2
3 Antoine AG Gomis
4 Yuba County Jail
5 P. O. Box 1031
6 Marysville, Ca 95901-1031

7 **Dated: April 25__, 2006**

Richard W. Wieking, Clerk

8 **By: /s/JW Chambers**
9 **Melissa Peralta**
10 **Courtroom Deputy**

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28 **Order of Dismissal**
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